



## **Neighbors and Delaware Riverkeeper Reach Settlement with Department of Environmental Protection on SugarHouse Sewage Plan**

For Immediate Release  
September 24, 2009

**Contacts:**

Maya K. van Rossum, the Delaware Riverkeeper  
Elizabeth Koniers Brown, Senior Attorney, Delaware Riverkeeper Network  
Adam Cutler, Public Interest Law Center of Philadelphia  
Matt Ruben, Northern Liberties Neighbors Assn

### **Neighbors and Delaware Riverkeeper Reach Settlement with Department of Environmental Protection on SugarHouse Sewage Plan**

Philadelphia, PA – Advocates for the Delaware River and the Northern Liberties neighborhood announced today that they have reached a settlement agreement with the Pennsylvania Department of Environmental Protection (DEP), the City of Philadelphia Water Department (PWD), and HSP Gaming, L.P. (HSP), over sewage and stormwater plans for the SugarHouse casino development.

The legal action, an appeal filed on November 3, 2008 by the Delaware Riverkeeper, the Delaware Riverkeeper Network, the Northern Liberties Neighborhood Association and neighbor Herbert Shallcross challenged the DEP's approval of a sewage facilities planning module for the facility. Specifically, the appeal challenged the lack of public notification and participation in the submission of the module, as well as the approval processes and the level of transparency provided by the agencies involved.

"This settlement agreement provides important protections for future phases of the project, and ensures the community has more information and opportunities to get involved in the decisions being made and plans carried out" said Maya van Rossum, the Delaware Riverkeeper. "We are pleased that we have helped to better protect the Delaware River from another in a long list of proposed projects on the Philadelphia waterfront that would fill in portions of the Delaware River, destroying important habitats, and creating more pollution that would do harm to the River and the communities that

depend upon it.”

NLNA President Matt Ruben noted, “While we remain concerned about the impact of 1,400 surface parking spaces on flooding and storm water management, this appeal and settlement represents a victory for transparency in the regulatory approval process, and for residents impacted by sewage and storm water issues in the riverfront area. We’re also pleased that the Philadelphia Water Department has recommitted to holding public forums where we can stay informed of, and help shape, the City’s progress in alleviating the flooding problems that have affected our neighborhoods for several years.”

The approval by DEP that allowed the SugarHouse Casino development proposal to discharge sewage into the City’s combined sewer system, according to the Delaware Riverkeeper Network and Northern Liberties Neighbors Association, prompted public concern about worsening street and basement flooding problems in nearby neighborhoods and increasing combined sewer overflows (CSOs) into the Delaware River because of the casino’s demands on the City’s sewage infrastructure.

After the involvement of the Delaware Riverkeeper Network, Northern Liberties Neighbors Association and Mr. Shallcross, HSP Gaming redesigned the casino facility to pull it out of the River and back from the River’s edge, and decreased both the project scope and projected sewage flows for the interim casino.

According to the organizations, the agreement accomplishes the petitioners’ key objectives, including greater public participation in the submission and approval processes. Key elements of the settlement include:

- public notification of future changes in the sewage plan, giving communities an opportunity to be heard;
- notice to the organizations of any meaningful events or changes in casino construction that affects sewage planning;
- public notification of any proposed expansion to the casino beyond Phase I at least 30 days prior to construction, giving communities an opportunity to comment and be heard;
- a commitment by HSP to install and maintain a permanent vegetative cover (green roof) on the first phase of the SugarHouse project to help manage stormwater impacts;
- public informational meetings by PWD regarding its Storm Flood Relief Project;
- publicizing stormwater inspection reports and making them available for public review.

Adam H. Cutler, Director of the Public Health and Environmental Justice Law Clinic at the Public Interest Law Center of Philadelphia, who represented the NLNA and Herbert Shallcross, called the resolution of the appeal “a step in the right direction for open and responsive government, and an opportunity for a renewed focus on smart wastewater and stormwater management in Philadelphia – particularly in the Delaware Riverfront neighborhoods around and down-sewer of the SugarHouse project.”

According to Delaware Riverkeeper Network Attorney Elizabeth Koniers Brown, “this settlement raises the profile of the River as a consideration in environmentally sensitive projects.”

According to Delaware Riverkeeper Maya van Rossum, “With its heightened public access to information, community participation, and installation of an environmentally beneficial green roof, the settlement addresses the needs of neighborhoods concerned with increased growth and development of the city, and illustrates to developers that Philadelphia’s citizens are not willing to compromise the health, safety and environmental quality of the Delaware River and Philadelphia’s communities.”

